a) at least one multimetal cyanide compound having a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound, and/or

b) at least one organic complexing agent

c) water and/or

d) at least one polyether and

e) at least one surface-active substance, with the proviso that at least components a) and e) and at least two of the components b) to d) have to be present.

REMARKS

Claims 1-12 and 15 remain in the application with claim 1 remaining in independent form. Applicant has amended claim 1. There is full support in the specification as originally filed for the amendments to claim 1. Accordingly, no new matter has been introduced.

Claims 1-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0,761,708 or under 35 U.S.C. § 102(a) as being anticipated by WO 99/19063 (United States Patent No. 6,323,375 is an equivalent). In view of the clarifying amendments to independent claim 1, Applicant respectfully traverses these rejections. The '375 patent is referenced below.

In the subject invention, Applicant is claiming a catalyst suspension for the ring-opening polymerization of alkylene oxides. Independent claim 1 positively recites the requirements for this catalyst suspension. As amended, the catalyst suspension includes at least one multimetal cyanide compound (a) and/or at least one organic complexing agent (b), water (c), and/or at least one polyether (d) and at least one surface-active substance (e), with the proviso that at least components (a) and (e) and at least two of the components (b) to (d) have to be present. Furthermore, claim 1 requires that the at least one multimetal cyanide compound must have a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound.

Claim 1 has been amended to more specifically align the pending claims with the claims already allowed by this Examiner in a related application, Serial No. 09/324,125. In doing so, the Applicant has amended claim 1 to require that the surface-active

substance be present in the catalyst suspension. The presence of the surface-active substance in the catalyst suspension contributes to the platelet-shaped morphology of the multimetal cyanide compound.

Under 35 U.S.C. § 102, it is well settled that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). If even a single limitation of the rejected claim is not found in the prior art reference, then the rejection under 35 U.S.C. § 102 of the claim is improper and must be withdrawn.

None of the prior art references cited herein by the Examiner disclose, teach, or even suggest a catalyst suspension comprising, in part, at least one multimetal cyanide compound and at least one surface-active substance. Furthermore, none of the references cited herein disclose, teach, or suggest a catalyst suspension include a multimetal cyanide compound that has a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound.

More specifically, EP 0,761,708 and the '375 patent *do not even disclose a surface-active agent, i.e., a surfactant, anywhere within their respective disclosures*. Furthermore, because these two prior art references do not even contemplate incorporation of a surfactant, it is not surprising that they also do not disclose, teach, or otherwise suggest a catalyst suspension including a multimetal cyanide compound that has a crystalline structure and a content of platelet-shaped particles of at least 30% by weight.

In view of the clarifying amendments made to independent claim 1, it is respectfully submitted that the '708 patent application and the '375 patent do not disclose, teach, or suggest each and every positively recited claim element of independent claim 1, as amended. As a result, it is respectfully submitted that the §102(b) and §102(a) rejections of independent claim 1 are overcome. Furthermore, claims 2-12 and 15 depend from the novel and unobvious features of claim 1. Hence, any rejections of these dependent claims are also overcome.

It is respectfully submitted that the claims, as amended, are now presented in condition for allowance, which allowance is respectfully solicited. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

June 26, 2003
Date

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that the enclosed **Preliminary Amendment** and **Request for Continued Examination (RCE) Transmittal** is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope as "Express Mail Post Office to Addressee", **Mailing Label No. EV 261 230 572 US** and addressed to **Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**, on **June 26, 2003**.

Brenda J. Hughes

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VERSION OF CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please replace claim 1 with the following:

1. (Thrice Amended) A catalyst suspension for the ring-opening polymerization of alkylene oxides, comprising

a) at least one multimetal cyanide compound having a crystalline structure and a content of platelet-shaped particles of at least 30% by weight, based on the multimetal cyanide compound, and/or

b) at least one organic complexing agent

c) water and/or

d) at least one polyether [and/or] and

e) at least one surface-active substance, with the proviso that at least [component] components a) and e) and at least two of the components b) to [e)] d) have to be present

[wherein said catalyst suspension is not an intermediate and is directly used as a polymerization catalyst in the ring-opening polymerization of alkylene oxides].